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Attorney for defendant United Rentals (North America), Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

MARK BOWDEN,

Plaintiff,

v.

UNITED RENTALS (NORTH AMERICA)  
INC., and GENIE INDUSTRIES (A TEREX  
BRAND) INC.,

Defendants.

Case No.

**NOTICE OF REMOVAL TO FEDERAL  
COURT UNDER 28 U.S.C. § 1441(b)**

**Jury Trial Requested**

PLEASE TAKE NOTICE THAT defendant UNITED RENTALS (NORTH AMERICA), INC. (United Rentals) hereby removes to this court the state court action described below.

1. This is a civil action over which the court has diversity jurisdiction.
2. This court has diversity jurisdiction over this civil action under 28 U.S.C. §1332(a), and this action may be removed to this court under 28 U.S.C. §1441(b), because:

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- a. Plaintiff is and was at all material times a citizen Oregon, defendant United Rentals was at all material times a citizen of Delaware (state of incorporation) and Connecticut (headquarters), and defendant GENIE INDUSTRIES (A TEREX BRAND) INC. (Genie) was at all material times a citizen of Washington;
  - b. Genie does not object to removal to federal court; and
  - c. The amount in controversy is \$530,000.
3. On or about August 25, 2017, plaintiff filed a Complaint for Product Liability and Negligence in Multnomah County Circuit Court, Case No. 17CV36753 ("the state court action"). A copy of the state court action is attached as Exhibit
  4. Defendant United Rentals received service of the state court action on August 29, 2017.
  5. On information and belief, defendant Genie has not yet been served.
  6. This notice is timely because the earliest that the summons and complaint in the state court action were served on defendants was August 29, 2017. See 28 U.S.C. §1446(b). A copy of the Affidavit of Service on defendant is attached as Exhibit 2. (By this notice, neither defendant waives any defenses related to service of process.)
  7. This is the district and division embracing the place where the state court action is pending (Multnomah County).
  8. No other proceedings have occurred and no other documents have been served in the state court action other than those referenced above. A copy of the docket in the state court action is attached as Exhibit 3.

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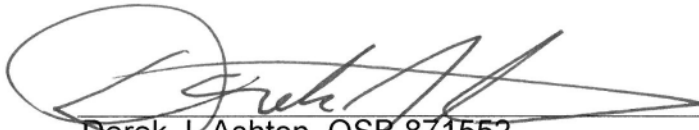
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9. In filing this notice, defendants do not waive any defenses or claims including (but not limited to) any defenses based on jurisdiction, service, or statute of limitations.

DATED: September 8, 2017

COSGRAVE VERGEER KESTER LLP

A handwritten signature in black ink, appearing to read 'Derek J. Ashton', is written over a horizontal line.

Derek J. Ashton, OSB 871552

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Attorney for United Rentals (North America),  
Inc.

Trial Attorney: same

### CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT UNDER 28 U.S.C. § 1441(b)** on the date indicated below by:

- ☒ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification.

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorneys at the addresses listed below:

Brian R. Whitehead  
Law Ofc Brian R Whitehead  
1610 12th St SE  
Salem OR 97302  
Attorney for Plaintiff

Monique Wirrick  
Perkins Coie LLP  
1201 Third Ave Suite 4900  
Seattle, WA 98101  
Attorney for Genie Industries

DATED: September 8, 2017



Derek J. Ashton